



**LEESBURG BOARD OF ARCHITECTURAL REVIEW
WORK SESSION MINUTES**

**Monday, 02 March 2015
Town Hall, 25 West Market Street
Town Council Chamber**

MEMBERS PRESENT: Chairman Edward Kiley, Vice Chairman Paul Reimers, Parliamentarian Dale Goodson, Richard Koochagian (arrived at 7:08pm), Mark Malloy, Teresa Minchew, Dieter Meyer, Planning Commission Representative Lyndsay Welsh Chamblin, and Town Council Representative Suzanne Fox

MEMBERS ABSENT: None

STAFF: Planning & Zoning Director Susan Berry Hill, Preservation Planner Tom Scofield, Town Legal Assistant Liz Whiting Esq., and Planning & Zoning Assistant Deborah Parry

Call to Order and Roll Call

Chairman Kiley called the meeting to order at 7:00pm, noted attendance and determined that a quorum was present.

Adoption of the Meeting Agenda

On a motion by Mr. Goodson, seconded by Ms. Minchew, the meeting agenda was approved by a 6-0-1 vote (Koochagian absent).

BAR Member Disclosure:

Mr. Goodson noted that he was able to watch the last Board meeting on television.

Public Hearings on Continued Cases in the H-1 Overlay District:

- a. **TLHP-2014-0115, 112 Edwards Ferry Rd NE**
Project: Demolish contributing building for courthouse expansion
- b. **TLHP-2014-0116, 110 Edwards Ferry Rd NE**
Project: Demolish contributing building for courthouse expansion
- c. **TLHP-2014-0117, 108 Edwards Ferry Rd NE**
Project: Demolish contributing building for courthouse expansion
- d. **TLHP-2014-0118, 106 Edwards Ferry Rd NE**
Project: Demolish contributing building for courthouse expansion
Chairman Kiley noted the public hearing for these applications remains open.

Chairman Kiley stated Mr. Scofield received an email from the County Administrator indicating an agreement to extend the critical action date for TLHP-2014-0115, TLHP-2014-0116, TLHP-2014-0117

and TLHP-2014-0118 to the March 16th meeting. He asked if a representative from Loudoun County could confirm that agreement.

Charles Yudd, Assistant County Administrator confirmed the extension was enumerated in an email by County Administrator Tim Hemstreet.

Chairman Kiley expressed concern that today is the critical action date and asked under what authority is Mr. Hemstreet able to extend the critical action date.

Mr. Yudd stated the County has been somewhat challenged by the Board of Supervisors schedule and therefore Mr. Hemstreet has authorized the extension to March 16th and plans to move forward with the request at the Board of Supervisors meeting on Wednesday evening.

Chairman Kiley expressed concern that under the Zoning Ordinance the Board has to act tonight otherwise the applications are deemed approved. He stated the Board has an email from Mr. Hemstreet and now a statement from Mr. Yudd that the extension is agreed to; however, there is no official resolution or action from the Board of Supervisors. Further, given the lack of direction from the Board of Supervisors it is his opinion that the BAR members should plan to act accordingly this evening.

Leo Rogers, Loudoun County Attorney, stated Mr. Hemstreet is the chief administrative officer for the County and has the authority to act on behalf of the County. He stated that as the County's chief legal officer he is also authorized to represent the County in legal proceedings and in issues regarding permits such as this. Further, he confirmed that the extension to March 16th is authorized.

Chairman Kiley stated he is satisfied with Mr. Rogers' and Mr. Yudd's statements.

Mr. Scofield asked what the implications may be if the Board of Supervisors should decide on Wednesday evening that they did not agree with Mr. Hemstreet's decision to authorize an extension to March 16th.

Chairman Kiley noted that the BAR could accept the statements as presented or could decide to move forward with action on the cases this evening with the proviso that if the Board of Supervisors is accepting of the extension that the action taken would be postponed until such date. He stated he does not believe that the County Attorney and Deputy Administrator would say that an extension is granted if they felt the Board of Supervisors may reject that decision at their meeting.

Mr. Scofield stated the County has provided additional information requested by the Board regarding how the project has evolved over time. He stated there are a number of items to consider with the post demolition plans for expansion of the courthouse campus and numerous diagrams have been presented by the applicant. He stated the earlier storm water diagram showed two concrete vaults installed underground beneath the four houses proposed for demolition; however, the revised diagram shows that one of the vaults has been moved from its previous location under 110 and 112 Edwards Ferry Road. He stated the staff report for the upcoming Board of Supervisors meeting was included in the packet. He outlined two proposals for consideration, the first of which for the preservation of the historic core of the four buildings with removal of non-

historic or later historic additions from the rear. He stated Proposal 2 relates to the preservation of 110 and 112 Edwards Ferry Road and relocation of 106 and 108 Edwards Ferry Road, adding that the structures at 110 and 112 Edwards Ferry Road have greater historic significance and their retention would help to maintain some of the streetscape as it relates to 114 Edwards Ferry Road. Further, he stated his recommendation that the case be continued to the March 16th meeting in light of the extension authorized by the County.

Mr. Yudd stated the Board of Supervisors staff report was released on Friday and the motion asking for consideration of further analysis was to accommodate the BAR's request for a study to look at the non-historic and later additions on the four structure to determine if there is a way to preserve the historic core of the buildings. He stated the work Dewberry has done regarding potential relocation and/or dismantling of the structures has provided some helpful information regarding how the structures have evolved over time. He stated one of the main concerns of the County is that the demolition procedure seems to be set up with a private owner in mind; however, the County is a government agency with responsibility for the courts construction and function. He clarified that the County respects the Town's process; however, it has presented challenges and he is looking forward to a further collaborative process. He stated the staff report offers an option of increasing the height of the building to minimize the footprint; however, that would violate the height restrictions outlined in the Zoning Ordinance. He stated there also seems to be a misconception that the relocation of one stormwater vault may allow for the retention of two structures; however, excavation and piping needs for the vaults would still necessitate removal of the structures. He stated there will be more applications coming forward to the BAR for this project and he would like to ensure a collaborative relationship. Further, he stated that specific requests from the BAR for additional information will be presented to the Board of Supervisors at their meeting Wednesday night.

Ms. Shade stated she received the staff report rather late on Friday as Mr. Scofield was waiting to receive the Board of Supervisors packet from County staff. She stated there are additional items she would like to address; however she does need additional time to do research. Further, she asked the BAR members to say specifically what they would like the courthouse design team to bring forward to the Board of Supervisors meeting.

Ms. Scofield clarified that his staff report was prepared before he received the report from County staff.

Mr. Goodson stated it appears from reading the County staff report that the design team is evaluating the possibility of relocating the four structures off of their current sites.

Ms. Shade stated the report in the packet considers relocating the structures to a yet unknown site. She stated relocation to the Pennington lot was used for the purpose of determining cost and other criteria.

Mr. Koochagian asked what the likelihood is of the proposal to remove only portions of the rear from the buildings actually moving forward with endorsement of the Board of Supervisors.

Mr. Yudd stated County staff has been straightforward in their recommendation to the Board of Supervisors. He stated information is provided in the meeting packet regarding the process for

removing portions of the rears from the buildings; however, the recommendation of staff continues to be demolition of the four structures based on cost. He stated the final cost estimates are not included in the report as staff is still evaluating how the cost could be accommodated.

Mr. Koochagian stated it is not within the BAR's purview to consider cost implication; however, with any construction project there are always additional costs. He stated he felt that Mr. Scofield was merely indicating in his report that the storm water vault moved on the drawing and that perhaps the retention of two structures could be achieved based on that information.

Mr. Meyer referenced the portion of the Zoning Ordinance which addresses these demolition applications and asked under the section where the bona fied offer to sell is discussed, whether the land would also have to be offered for sale or simply the structure.

Ms. Whiting stated it is her belief that there is a legal obligation to offer the land with the structure; however, she has never seen this regulation in action.

Vice Chairman Reimers asked the likelihood of the Board of Supervisors studying this option.

Mr. Yudd stated he cannot speculate as to the Board of Supervisors actions; however, when the topic of additional funding has come up in the past on this type of subject the answer has generally been no. He stated the design team will be deliberate in bringing forward the request and if the Board of Supervisors wishes to study the option then they can do so.

Ms. Minchew asked whether the Board of Supervisors is aware that this Board and Town staff have repeatedly offered to have out of sync meetings with the design team. She stated she also wonders if the Board of Supervisors is aware that this Board has yet to begin the review of the proposed building so it is a chicken and egg problem to ask us to allow removal of these buildings before looking at the design of the proposed building. Further, she stated there is no guarantee what will come out of the BAR's review of what is to go on the site even if the demolition moves forward.

Ms. Shade stated in our public meetings we have gone through this sort of process so we have discussed the steps in those meetings and have received some comments regarding the proposed design in this agenda package.

Mr. Scofield stated his belief that Ms. Shade is referring to the Preservation Planning Issues for Courthouse Expansion Project dated July 30, 2014 which was included in the agenda package.

Ms. Minchew stated that is a staff document which was drafted before the Board ever saw a proposed design.

Mr. Malloy stated there has been some new interest in the security aspect of the site and asked has the County undertaken a risk assessment by means of a third party other than the letter provided by the Sheriff's Office.

Ms. Shade stated the design team includes a security consultant who is actively involved in the project.

Mr. Malloy verified the security consultant has been a part of the design team since the beginning and asked if they have provided anything in writing in regards to these Edwards Ferry Road structures.

Ms. Shade stated only to the extent that we try to keep the standoff to the degree possible and examine compromises where there is no control off the site. She stated they would prefer the houses not be there for security and standoff issues.

Ms. Welsh Chamblin asked if a security analysis has been done regarding the possibility of retaining only the historic core of the four structures.

Ms. Shade stated she has not been authorized to do that study. She stated if authorized, the security consultant would be involved in that process. She stated if the proposal to remove rear portions of the building moves forward, the idea would be to create as simple of a rear as possible to eliminate potential hiding places and to have the greatest amount of site visibility from the interior of the courthouse onto the green.

Vice Chairman Reimers asked if the Board of Supervisors has authorized a study to relocate the structures.

Ms. Shade stated the relocation study was authorized and information pertaining to that study was provided in the agenda package. She stated she anticipates at the meeting on Wednesday night, that the Board of Supervisors will authorize the study of additional possibilities requested by the Board of Architectural Review.

Chairman Kiley asked if the design team is still convinced that all four structures need to be removed given the revised stormwater proposal.

Ms. Shade stated she is not convinced that the buildings can be temporarily relocated to allow for the excavation needed to install the pipes at a slope to the low point, which is the existing huge storm structure that runs on the adjacent property. She stated this is the preferred location to drain and prevent a possible back-up of storm water.

Chairman Kiley confirmed the design team is still looking to have all four buildings demolished. He noted 114 Edwards Ferry Road is not part of this process and asked if that structure would be included in the security report.

Ms. Shade stated it is not the design team's intent to include that property in the analysis.

Chairman Kiley stated his belief that given its close proximity to the subject properties, that any security concerns with 110 and 112 Edwards Ferry Road NE would also be found with respect to 114 Edwards Ferry Road NE.

Ms. Shade stated she would agree; however, the intent is to compensate for that on site since the County has no control over the property at 114 Edwards Ferry Road NE.

Chairman Kiley asked how security can be compensated on site for 114 Edwards Ferry Road NE but not for the other properties.

Ms. Shade stated it is not simply a matter of security, it is security, stormwater and the fact that a 92,000 square foot building is programed for this small site with all of the accompanying elements which present a challenge.

Chairman Kiley expressed doubt that security issues are critical for the four structures proposed for demolition; however, the adjacent structure at 114 Edwards Ferry Road is not seen as critical to security. He stated he understands this is not a standalone issue, but what seems to be lacking is an intent and desire to preserve four historic, contributing buildings.

Mr. Koochagian asked if the Town is represented at the Board of Supervisors meetings to discuss the efforts of the BAR and Town staff. He stated from the information he has seen and comments he has heard it seems that everyone is not on the same page.

Mr. Yudd stated the Town staff is more than welcome to attend the Board of Supervisors meeting and their presence will be made known to the Board should there be any questions.

Chairman Kiley asked if the Town has been invited to attend any meetings.

Mr. Yudd stated our staff perception is that the Town staff is always welcome to attend meetings of the Board of Supervisors. He stated he cannot to speak to whether a specific invitation to attend the meeting was issued.

Mr. Kiley noted the public hearing for this case is still open and asked if any member of the public would like to address the Board.

Mr. Scofield noted there was an email sent to the Board today by a member of the public, Candice Hubbard. The email was read into the record as follows:

"Chairman and Members of the Board of Architectural Review Town of Leesburg,

As a lifelong resident of Leesburg and Loudoun County, I write with regard to 106, 108, 110 and 112 Edwards Ferry Road within the Leesburg Historic District. Our house, which has been my residence for the last 20 years, is in close proximity to these structures and also within the Historic District.

First, we would like to state that we support the expansion of the courthouse. Our house was negatively affected by the construction of the Courthouse in the late 90's. We were able to resolve the issues amicably and we found the County to be respectful of our historic property.

We hope that the same respect would be afforded to the historic properties as noted above. There must be a way to balance the interests of the Historic District and the needs of the courts without such direct and complete damage to historic properties. Demolition is the most extreme course of action that can be taken. It is hard to imagine that demolition of those buildings is the only alternative for the expansion of the Courthouse. The loss of these buildings will result in the loss of

historic fabric. Any loss of fabric should be unacceptable unless there is evidence that every conceivable alternative has been considered.

Thank you for your consideration.

Garry and Candy deButts Hubbard"

Chairman Kiley stated he would like to leave the public hearing open until such time as action is taken on these applications. He asked if the BAR should take action on these applications tonight given the fact that today is the critical action date even though representation has been presented to extend the critical action date to March 16th. He expressed concern that if the Board fails to act before midnight there may be technical issues raised in the future which would deem the applications approved.

Ms. Whiting stated she tends to be very conservative in her philosophy; however, she expressed concern that if a vote was made to act on the applications and delay the effect, it would be seen as disrespectful of the representations made to you by top County staff and she is not inclined to recommend that course of action.

Chairman Kiley stated he concurs with Ms. Whiting's assessment.

Vice Chairman Reimers stated for the record that he does want the courthouse in Leesburg. He asked if the concern that the courts expansion may be built elsewhere if the demolition applications cannot be approved be considered by the Board under the existing ordinances.

Ms. Whiting stated it is difficult for this body in that you are exercising delegated authority under the guidelines Council has put in place for you, while the Council is not bound in the same way. She stated it is not out of bounds to express concern with the macro policy issues which are making this decision regarding a public entity so difficult; however, the authority to base your decision on such issues has not been given to you.

Chairman Kiley asked if Ms. Whiting is indicating that the Council can waive the design guidelines; however, the Board cannot.

Ms. Whiting stated the Council has reserved unto itself the right to make a fresh consideration. She stated it is clear that when a governing body reserves to itself the ultimate decision the standard for what they are entitled to consider is much broader than what is delegated to someone else.

Mr. Meyer stated the streetscape is of ultimate importance in this case and in his opinion the buildings will have no continuing historic value if they are relocated offsite. He stated the Town has lost significant structures in the past, including the hotel and opera house and while these four buildings do not have a huge significance on their own, their significance is attained collectively as part of the streetscape. He stated a reasonable compromise for this difficult project would be to maintain the streetscape and remove portions of the rear of the buildings. He stated the County Government Center building has received criticism for not fitting in better and there is an opportunity here with this proposed significant structure to retain these four structures and reduce the visible massing of the building.

Ms. Shade stated it would be helpful to have input from the Board as to which portions of the structures they would see fit to remove.

Chairman Kiley stated he does not believe this kind of analysis can be completed before the Board of Supervisors' meeting.

Ms. Shade stated she is seeking general input as an in depth analysis would be done if authorized by the Board of Supervisors. She stated she would attempt to have the analysis complete prior to the March 16th meeting.

Chairman Kiley stated perhaps if the Board of Supervisors is interested in the proposal they will grant additional time for the BAR to consider the matter.

Mr. Malloy stated he is doing a project in Chicago which is much larger than this which has the vaults against the proposed foundation. He stated if the engineer for this project could move the vaults against the building it would allow room for the proposed back yards. He stated to the point of security, he has also experienced working on significant projects in Washington DC which had a much higher risk profile than this and compromises were made given the urban environment. Further, he stated he believes it is technically feasible to accommodate the retention of the four structures and fit all of the needs on site.

Ms. Welsh Chamblin stated she would like to see the courthouse stay in downtown Leesburg; however, she is concerned with the streetscape and demolition proposal for the four Edwards Ferry Road structures. She stated she is not certain that she understands the security threat posed by the retention of these structures. Further, she expressed concern that should the Board of Supervisors authorize the exploration into the possibility of retaining the historic core of the four buildings, the proposed two week timeline may not be enough to evaluate the properties, and provide conclusions for consideration.

Mr. Koochagian stated he also would like the courthouse to remain downtown and he concurs with Mr. Meyer's comments. He stated the notion that addressing these historic structures as an additive cost to a project in the Historic District with design guidelines put in place for many years does not make sense. He stated our guidelines do not make a distinction between public and private projects and the County would be better off in making the necessary investment for this project downtown. He stated the streetscape is the important consideration in this case and removing these structures would permanently alter the entrance into the downtown. He stated given this is a work session it would be a missed opportunity if the Board did not work to provide information for the design team to take to the Board of Supervisors regarding the preservation of the building façades.

Mr. Goodson stated he concurs with the comments made by Mr. Meyer and Mr. Koochagian regarding the preservation of the streetscape and expressed concern that removal of the buildings on Edwards Ferry Road would leave the Valley Bank Building abandoned and sitting on its own at the corner. He stated the wholesale offsite relocation of these buildings would have little value at a great expense. He stated he supports the courts offices downtown; however, the fact that this is a public project has no bearing on the Board's obligation to uphold the regulations. He stated he

believes it is possible to accommodate the Edward's Ferry Road building and the courthouse with the required programming on site. Further, he acknowledged that the study regarding which portions of the historic buildings could be removed would take some time and asked if it would be beneficial to bring forward a proposal to the Board of Supervisors asking if they would consider the preservation of the facades for the four buildings if there was a way to achieve a certain buffer between the rear of the buildings and the proposed courthouse.

Mr. Kiley stated he is unsure whether a study regarding which portions of the buildings could be removed without damaging their historic character could be completed prior to the meeting on March 16th. He stated he plans to attend the Board of Supervisors meeting on Wednesday and will be available to discuss a proposal if they wish to hear it.

Ms. Minchew stated there is a balance to be made and cautioned that careful consideration is needed before deciding the portions of the buildings to be removed as any removal could undermine the goal of maintaining the rhythm and balance, size and scale of a healthy streetscape.

Ms. Shade stated her team will have to determine the technical feasibility; however, the Board of Architectural Review and Town staff can provide input as to the historical point of view as to which portions should be saved.

Ms. Minchew reiterated the importance of maintaining the streetscape and its important role in mitigating any negative impacts which may be found with the proposed design for the new courthouse building.

Ms. Shade stated she will withdraw her request and will do her best to work with the team to provide information for the Board of Supervisors.

Vice Chairman Reimers suggested looking at each structure and providing a visual for the Board of Supervisors to show approximately where newer additions are located which could potentially be removed.

Ms. Minchew asked if the four structures on Edwards Ferry Road were to be removed, would bollards or fencing be installed in their place. Ms. Minchew stated she appreciates the process the design team undertook in getting to this point; however, she believes that the one element which was not weighed as heavy in their consideration of this project was the design guidelines.

Chairman Kiley confirmed the Board of Supervisors meeting will begin at 4pm on March 5th.

Mr. Scofield noted he would also be in attendance at the meeting.

Ms. Minchew moved to continue cases TLHP-2014-0115, TLHP-2014-0116, TLHP-2014-0117 and TLHP-2014-0118 to the March 16, 2015 meeting.

Mr. Meyer proposed a friendly amendment to indicate that an extension of the critical action date was granted by Loudoun County.

The amendment was accepted by Ms. Minchew.

The motion was seconded by Vice Chairman Reimers and approved by a 7-0 vote.

Old Business

None

New Business

None

Adjournment: The meeting was adjourned at 8:44 pm.

Edward Kiley, Chair

Deborah Parry, Planning & Zoning Assistant